Claim Rejections

Claims 13-18, 34-37, and 39-48 stand rejected under 35 U.S.C. 101.

Claims 1-48 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No.

6,321,263 (Luzzi et al.).

Claim Amendments

Claims 1-7, 9, 19-23, 26, 34-38, and 41 have been canceled. The remaining claims have

been amended to eliminate the non-statutory subject matter rejection and to patentably

distinguish over Luzzi et al.

The Cited Art

Luzzi et al. discloses a system for monitoring, from a client computer, performance of an

application program residing on a server computer. A probe program residing at the client

computer generates requests for the services of the application program and records transaction

records based upon service responses. (Abstract).

Specifically, an application monitoring and alerting (AMA) probe 201 is embodied in a

client computer 106 which is coupled to a server computer 202. The server computer 202

includes an application program 203. The performance of the application program is accessed

by the monitoring and alerting activities of the AMA probe 201. (col. 9, lines 47-58).

In operation, the AMA probe 201 establishes a session with the server computer 202 by

requesting the services of the application program 203. Session establishment is actuated by

service request 210 sent from the AMA probe 201 over a network link 206 to the server

computer 202. Correspondingly, the server computer's application program 203 provides a

service response 211 over the network link 206 back to the requesting AMA probe 201. (col. 9,

lines 59-67).

This sequence of transactions is precisely the same sequence of transactions undertaken

by a customer of the computer network 100 seeking the services of the application program 203

on the server computer 202 at the client computer 106. In essence, by monitoring an application

program and providing alerts based upon the above-discussed sequence from the view point of

the AMA probe 201, the system of Luzzi et al. is said to achieve a realistic picture of the

performance of the application program 203 from the vantage point of the customer using the

application program over the distributed computing system 100 at the client computer 106. (col. 10, lines 1-15).

The AMA probe 201 may receive a number of different types of service responses from the server computer 202. For example, if the application program 203 on the server computer 202 properly responds to the service request, the AMA probe will receive an indication of a successfully completed request. Alternatively, if the server computer 202 is unavailable to respond to the service request 210, the request will time out after a predetermined period, and the AMA probe 201, based upon receiving back no response from the time out period, will record that the service computer is not available. This can be viewed as an unsuccessful service response 211. (col. 10, lines 29-41).

Claims 8 and 10-12 Are Not Anticipated

Claim 8 is directed to a monitoring apparatus that receives a message from a first site, where the message includes a value for a metric. The system also includes a tester with a filter that defines a range of acceptable values. The tester is operative to compare the first value with the range of acceptable values. If the value is not acceptable, the alerter provides an alert.

Claim 8 includes the features of receiving a message from a first site and sending an alert if the value is not within a range of acceptable values. The monitoring apparatus allows data collected at one site to be analyzed at a different location. (Applicants' specification, P. 3, ll. 3-13; Figs. 1 and 3). This separation may allow, for example, a central computer to monitor values collected from a plurality of sites rather than each computer performing data analysis. (p. 3, ll. 3-13; Figs. 1 and 3). In different embodiments, filters may be defined at a central location for individual sites or for groups of sites that share acceptable values, which may eliminate redundant filtering and provide for easier configurability and control. (P. 4, ll. 3-19). For example, casinos may share acceptable values or value ranges for number of open days experienced at allocation but have different values for number of transactions occurring at a given location. (P. 4, ll. 3-19).

Luzzi et al. does not disclose the features of receiving a message from a first site and sending an alert message if the value in the message is not acceptable. Instead, the monitoring in Luzzi et al. is performed on the computer on which the probe is located. (Fig. 2; col. 9, lines 47-67; col. 10, lines 1-28). In Luzzi et al., the probe or probe computer, not a central monitoring apparatus, monitors for values outside a predetermined range. (col 11, lines 14-40). If the value is unacceptable, as compared to filter or threshold values on the computer with the probe, then

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the computer with the probe sends an alert message. (col. 5, lines 63-67). For instance, Luzzi et al. teaches that "the exceeding of such defined thresholds will cause the client computer to generate and sic alert signal which may be received and acted upon by service entities." (col. 5, lines 63-67). Although Luzzi et al. teaches that the probe data may be sent to a remote data repository (col. 10, lines 58-67; col. 11, lines 1-13), the monitoring and data analysis is performed locally at each computer with the probe.

Analyzing probe data on the computer with the probe and sending alert messages from the computer with the probe does not teach receiving a message from a first site and sending an alert message if the value is not acceptable. Thus, Luzzi et al. does not anticipate claim 8 or its dependent claims.

Claims 13-18 Are Not Anticipated

Claim 13 is directed to a system for monitoring software that includes a central computer connected via a network to a first computer, which has a probe installed. The central computer has a monitoring apparatus that receives a message that includes a value for a particular metric. The monitoring apparatus includes a tester that determines whether the value is acceptable and an alerter configured to provide an alert if the first value is not acceptable.

Luzzi et al. is cited as teaching the features of a central computer with a monitoring apparatus installed. (col. 15, lines 15-25). Claim 13 is amended to include specific features of the monitoring apparatus not disclosed by Luzzi et al. In particular, claim 13 includes a monitoring apparatus separate from the computer with the probe installed. As discussed with respect to claim 8, Luzzi et al. does not teach such a system. Therefore, claim 13 and its dependent claims are not anticipated by Luzzi et al.

Claims 24, 25, 27-33, 39, 40, and 42-48 Are Not Anticipated

Claims 24 and 39 are directed to a method and computer-readable storage media for using a monitoring apparatus. A message is received, and a value is determined for a metric from a first site. It is determined whether the value is acceptable. If the value is not acceptable, an alert message is displayed.

Claims 24 and 39 call for a method and computer readable storage media whereby a message is received from a first site. Thus, the method is performed on a different site from where the message is generated. As discussed with respect to claims 8 and 13, Luzzi et al. does not teach a system where monitoring and data collection are performed at different sites. Therefore, claims 24, 39, and their dependent claims are not anticipated by Luzzi et al.
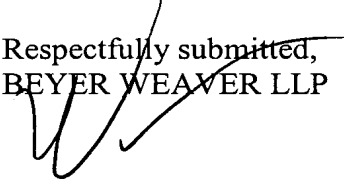
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Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 500388 (Order No. IGT1P319).

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Respectfully submitted,
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